

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

.45 Nonhousehold Members

The income and resources of nonhousehold members as specified in Section 63-402.21 and the excluded household members specified in Sections 63-402.225, .226, and .322 shall not be considered available to the household. Cash payments from the nonhousehold member to the household shall be considered income under the normal income standards set in Section 63-502.1. Vendor payments, as defined in Section 63-502.2, shall be excluded as income.

.451 When the earned income of one or more household members and the earned income of a nonhousehold member are combined into one wage, the income of the household member(s) shall be determined as follows:

- (a) If the household's share can be identified, the CWD shall count that share as earned income to the household.
- (b) If the household's share cannot be identified, the CWD shall prorate the income among all those by whom it was earned and count the household's pro rata share as earned income to the household.

.452 If the Food Stamp eligible household member(s) lives with and shares allowable shelter, utilities and/or dependent care expenses with the nonhousehold member, deduct the nonhousehold member's contribution from the appropriate expense and the net amount is the Food Stamp household's allowable deduction. If the contribution cannot be differentiated (e.g., pooled income), the Food Stamp eligible household's deduction amount shall be determined as specified in Section 63-502.36.

.453 Eligibility and Benefit Level

Nonhousehold members, excluded SSI/SSP recipients and ineligible students shall not be included when determining the household's size for the purposes of:

- (a) Assigning a benefit level to the household;

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- (b) Comparing the household's monthly income with the income eligibility standards;
- (c) Comparing the household's resources with the resource eligibility limits; or
- (d) Determining the categorical eligibility of the remaining household members in accordance with Sections 63-301.7 and .82.

.46 Residents of Shelters for Battered Women

- .461 A woman or woman with children who are temporary residents of a shelter for battered women and children may apply for food stamps directly or through an authorized representative as specified in Section 63-402.6.
- .462 Shelter residents who were included in a certified household in the dwelling of the abuser and who recently fled to a shelter, shall receive a separate allotment only once a month while residing in the shelter, as specified in Section 63-402.6. In order to receive this allotment, eligible residents shall complete new applications and apply as separate households.
- .463 Prior to certifying shelter residents, the CWD shall determine and document in the case file that the shelter for battered women and children meets the definition in Section 63-102 and document the basis of the determination.
- .464 Eligible residents shall be certified solely on the basis of the income, resources and expenses for which they are responsible on the date of application and their resource level as of the date of their interview. The income, resources and expenses of their former households shall not be considered available to the residents and resources held jointly with member(s) of their former households shall be considered inaccessible, in accordance with Section 63-501.3(m).
- .465 The CWD shall take prompt action to ensure that the former household's eligibility or allotment reflects a change in household composition, which may require contacting another CWD, if the resident is currently living in a shelter in another county.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- (a) If the CWD has sufficient information to determine that there has been a change in household composition in the resident's former household, prompt action shall be taken either to make a change in the former household's allotment or to terminate the former household, in accordance with Section 63-504.35, for monthly reporting households or Section 63-504.42 and .43, for nonmonthly reporting households.
- (b) If the CWD has insufficient information regarding the change in household composition of the resident's former household the CWD shall take action, in accordance with Section 63-504.14.

.47 Residents of Drug/Alcoholic Treatment and Rehabilitation Programs

.471 Narcotic addicts or alcoholics who regularly participate in drug or alcoholic treatment and rehabilitation programs on a resident basis may be eligible for food stamps, as specified in Section 63-402.4. These programs must provide meals to residents to qualify as eligible institutions. Residents of those programs that do not provide meals may apply as roomers, as provided in Section 63-402.21, and are not subject to the provisions of this section.

.472 A resident narcotic addict or alcoholic in a center providing meals, together with the resident's children staying in the center, shall have their eligibility determined as an individual household. The CWD shall certify residents of addict/alcoholic treatment centers by using the same provisions that apply to all other applicant households, except that certification must be accomplished through an authorized representative, as described in Section 63-402.62.

- (a) Prior to certifying any residents for food stamps, the CWD shall verify that the treatment center is authorized by FNS as a retailer, or meets the eligibility criteria to receive funding under Part B of Title XIX of the Public Health Service Act (42 USC 300x et seq.) as shown by the possession of the appropriate State Department of Alcohol and Drug Program documents.
 - (1) Repealed by Manual Letter No. FS-91-04, effective 3/23/91.
 - (2) Repealed by Manual Letter No. FS-91-04, effective 3/23/91.
- (b) FNS authorization is required for those centers redeeming coupons through wholesalers.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- .473 Each treatment and rehabilitation center shall provide the CWD with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The CWD shall require the list on either a monthly or semimonthly basis. In addition, the CWD shall conduct periodic random onsite visits to the center to assure the accuracy of the listings and that the CWD's records are consistent and up to date.
- (a) If the center refuses to supply the list of residents or refuses to allow the CWD access to the facility to verify the list, the CWD shall terminate the participation of all certified households in the center for refusal to cooperate. The households shall be sent a timely notice of action informing them of the termination.
 - (b) The households may reapply, once denied or terminated, but shall not be certified eligible until the center, as the household's authorized representative, cooperates.
- .474 The following provisions apply to residents of treatment centers:
- (a) When expedited processing standards, as described in Section 63-301.5, are necessary, eligibility for the initial application shall be processed on an expedited basis, and the CWD shall complete verification and documentation requirements prior to issuance of a second coupon allotment;
 - (b) When normal processing standards apply, the CWD shall complete the verification and documentation requirements prior to making an eligibility determination for the initial application;
 - (c) The CWD shall process changes in household circumstances and recertifications by using the same standards that apply to all other food stamp households; and
 - (d) Resident households have the same rights as other households to receive advance notice of CWD actions, request state hearings and receive restoration of lost benefits, except for those residing in an institution disqualified as an authorized retail food store.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- .475 The treatment center shall notify the CWD, as provided in Section 63-505.2, of changes in the household's income or other household circumstances and when the addict or alcoholic leaves the treatment center. The treatment center shall return a household's authorization document, access device or coupons received after the household has left the center.
- .476 When the household leaves the center, the center shall provide the resident household with their county issued Food Stamp ID card, access device or any untransacted authorization documents. The household, not the center, shall be allowed to sign for and receive any authorized benefits remaining in a direct access issuance system. The departing household shall also receive its full allotment if already issued and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the treatment and rehabilitation program prior to the 16th day of the month, the treatment center shall provide the household with one-half of its monthly coupon allotment. If the household leaves on or after the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons.
- (a) Once the household leaves the treatment center, the center is no longer allowed to act as that household's authorized representative. The center shall, if possible, provide the household with a DFA 377.5 for nonmonthly reporting households, or a CA 7 for monthly reporting households in order for the household to report to the CWD their new address and other changes in circumstances after leaving the center. The center shall also advise the nonmonthly reporting household to return the DFA 377.5 to the appropriate CWD office within 10 days.
- (b) The treatment center shall return to the CWD any coupons not provided to departing residents at the end of each month. These returned coupons shall include those not provided to departing residents because they left either prior to the 16th and the center was unable to provide the individual with the coupons or they left on or after the 16th of the month.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- .477 The institution shall be responsible for any intentional Program violation it knowingly commits in the certification of center residents. As an authorized representative, the institution shall be knowledgeable about household circumstances and should carefully review those circumstances with residents prior to applying on their behalf. The institution shall be strictly liable for all losses or misuse of food coupons held on behalf of resident households and for all overissuances which occur while the households are residents of the treatment center.
- .478 The institution may be penalized or disqualified if it is determined administratively or judicially that coupons were misappropriated or used for purchases that did not contribute to a certified household's meals. (See Section 63-402.652 for provisions regarding the misrepresentation of household's circumstances by drug and alcohol treatment centers.) Procedures for taking action shall be as follows:
- (a) For FNS - authorized institutions, the CWD shall promptly notify FNS when it has reason to believe that an institution is misusing coupons in its possession. However, the CWD shall take no action prior to FNS action against the institution.
 - (b) For institutions not FNS authorized, but certified by the State Department of Alcohol and Drug Programs, the CWD shall take appropriate action, as specified in Sections 63-801, 63-803, 63-804, and 63-805. Those provisions of Sections 63-801, 63-803, 63-804, and 63-805 that apply to other food stamp households shall also apply, except to treatment centers being treated as the household.
- .479 If FNS disqualifies an institution as an authorized retail food store, the CWD shall suspend its authorized representative status for the same time period. If the institution loses its authorization from FNS to accept and redeem coupons, or is no longer certified by the State Department of Alcohol and Drug Programs, its residents are no longer eligible to participate. The residents shall receive adequate notice explaining the termination and when it will become effective, as specified in Section 63-504.267(c).
- .48 Residents of group living arrangement who receive benefits under Title II of the Social Security Act.

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63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- .481 Disabled or blind residents of a group living arrangement as defined in Section 63-102g., who receive benefits under Title II of the Social Security Act may voluntarily apply for the Food Stamp Program. If these residents apply through the use of the facility's authorized representative their eligibility shall be determined as one-person households. If the residents apply on their own behalf, household composition shall be determined as specified in Section 63-402.1. The CWD shall certify these residents using the same provisions that apply to all other households.
- (a) Prior to certifying any residents for food stamps, the CWD shall verify that the group living arrangement is authorized by FNS as a retail food store, as defined in Section 63-102r., or is licensed by CDSS as a group home, and is either a public or private, nonprofit residential setting.
 - (b) Any Title XVI (SSI/SSP) recipients residing in group living arrangements are ineligible for food stamps.
 - (c) The CWD shall verify that a group living arrangement is authorized by FNS either by observing the FNS-254, FSP Authorization, or by confirming the authorization with an FNS field office.
 - (d) The CWD shall verify that a group living arrangement is licensed by observing the arrangement's current CDSS license.
- .482 Each group living arrangement shall provide the CWD with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The CWD shall require the list either on a quarterly basis or more frequently if the turnover of residents is rapid enough to warrant more frequent review. In addition, the CWD shall conduct periodic random on-site visits to assure the accuracy of the list. If, at the time of the on-site visit, the CWD's participation records of the residents in the group living arrangement are not consistent with the listings, the visit will be used to update the CWD's participation records.

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63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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- .483 The same provisions applicable to residents of treatment centers in Section 63-503.473, also apply to blind or disabled residents of group living arrangements who receive benefits under Title II or Title XVI of the Social Security Act when the facility acts as the resident's authorized representative.
- .484 If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the CWD as provided in Section 63-505.22. If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the CWD, as provided in Section 63-505.22, of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement. The group living arrangement shall return any household's authorization document, access device, or coupons to the CWD if they are received after the household has left the group living arrangement.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS
(Continued)**63-503**

.485 When the household leaves the facility, the group living arrangement either acting as an authorized representative or retaining the use of coupons on behalf of the residents, regardless of the method of application, shall provide residents with their CWD issued Food Stamp ID card, access device and any untransacted authorization documents. Also, the departing household shall receive its full allotment if issued by direct mail and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month.

(a) If the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the group living arrangement prior to the 16th day of the month, the group living arrangement shall provide the household with its CWD issued Food Stamp ID card and one-half of its monthly coupon allotment.

(1) If the household leaves after the 16th of the month and the coupons have already been issued and used, the household does not receive any coupons.

(2) If a group of residents have been certified as one household and have returned coupons to the facility to use, the departing residents shall be given a pro-rata share of one-half of the household's monthly allotment if leaving prior to the 16th day of the month.

(b) Once the resident leaves, the group living arrangement may no longer act as his/her authorized representative.

(1) For nonmonthly reporting households, the group living arrangement shall, if possible, provide the household with a DFA 377.5 to report to the CWD the individual's new address and other changes in circumstances after leaving the group living arrangement and shall advise the household to return the form to the CWD within 10 days.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- (2) For monthly reporting households, the group living arrangement, if possible, shall provide the household with a CA 7, and instruction on completing it. However, the household is responsible for reporting the changes in household circumstances to the CWD.
- (c) If a resident or a group of residents apply on their own behalf and if they retain use of their own coupons, these individuals are entitled to keep the coupons when they leave. If a group of residents have applied as one household, a pro rata share of the remaining coupons shall be provided to any departing member.
 - (1) For nonmonthly reporting households, the group living arrangement shall, if possible, provide the household with a DFA 377.5 to report to the CWD the individual's new address and other changes in circumstances after leaving the group living arrangement and shall advise the household to return the form to the CWD within 10 days.
 - (2) For monthly reporting households, the group living arrangement, if possible, shall provide the household with a CA 7, and instruction on completing it. However, the household is responsible for reporting the changes in household circumstances to the CWD.
- (d) The group living arrangement shall return to the CWD any coupons it was unable to return to departing residents.

.486 The provisions of Section 63-503.476 shall also apply to all group living arrangements.

.49 Households with Sponsored Aliens

Portions of the gross income and the resources of a sponsor and the sponsor's spouse (if living with the sponsor) shall be deemed to be the unearned income and resources of a sponsored alien for three years following the alien's admission for permanent residence to the United States. The spouse's income and resources shall be counted even if the sponsor and spouse were married after the signing of the agreement.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

The amount of income and resources deemed to be that of the sponsored alien in accordance with Section 63-503.492 shall be considered in determining the eligibility and/or benefit level of the household of which the alien is a member.

.491 The following aliens are exempt from provisions for sponsored aliens:

- (a) An alien who is participating in the Food Stamp Program as a member of his/her sponsor's household or an alien whose sponsor is participating separate and apart from the alien;
- (b) An alien who is sponsored by an organization or group as opposed to an individual;
- (c) An alien who is not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, a parolee, one granted asylum, and/or a Cuban or Haitian entrant.

.492 Eligibility and Benefit Level

(a) Income

- (1) Unearned income of the household containing sponsored aliens shall include the following: The amount of the monthly income of an alien's sponsor and the sponsor's spouse (if living with the sponsor) that has been deemed available to the alien, unless the sponsored alien is otherwise exempt from this provision in accordance with Section 63-503.491.
- (2) Unearned income deemed available to the alien is determined as follows:
 - (A) Take the total monthly gross income of the sponsor and the sponsor's spouse (if living with the sponsor).
 - (i) Deduct the earned income deduction from that portion of income determined as earned income of the sponsor and the sponsor's spouse, and

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

- (ii) Deduct the food stamp monthly gross income eligibility limit for a household equal in size to the sponsor's household, i.e. the sponsor, the sponsor's spouse and any other person who is claimed or could be claimed by the sponsor, or the sponsor's spouse as a dependent for federal income tax purposes.
- (B) If the alien has already reported gross income information on his/her sponsor, due to Aid to Families with Dependent Children's (AFDC) sponsored alien rules, that income amount may be used for Food Stamp Program deeming purposes. However, allowable deductions to be applied to the total gross income of the sponsor and the sponsor's spouse, prior to attributing an income deduction to the alien, shall be limited to the earned income amount and the Food Stamp Program gross monthly income amount stated above.
- (3) Direct cash payment to the alien by the sponsor or the sponsor's spouse shall not be considered as income to the alien unless the amount paid exceeds the amount of the sponsor's income deemed available to the alien. Only the portion of the amount paid that actually exceeds the deemed amount would be considered income to the alien in addition to the deemed income amount.
- (b) Resources
 - (1) Resources for households containing sponsored aliens shall also include that portion of the resources of an alien's sponsor and the sponsor's spouse (if living with the sponsor) which has been deemed to be those of the alien, unless the sponsored alien is otherwise exempt from this provision in accordance with Section 63-503.491.
 - (2) Resources of the sponsor and sponsor's spouse as determined by Section 63-501 deemed to be that of the alien shall be the total amount of their resources reduced by \$1,500.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

(c) Treatment of Income and Resources of More Than One Sponsored Alien

If a sponsored alien can demonstrate to the CWD that his/her sponsor sponsors other aliens, then the income and resources deemed under this section shall be divided by the number of such aliens that apply for, or are participating in the Food Stamp Program.

If such information about other aliens for whom the sponsor is responsible is not provided to the CWD, the deemed income and resource amounts calculated shall be attributed to the applicant alien in their entirety until such time as the information is provided.

(d) Changing Sponsors

If the alien changes sponsors during the certification period, then deemed income/resources shall be recalculated based on the required information of the new sponsor. See Section 63-403.33. The reported change would be handled in accordance with the time frames and procedures in Sections 63-504.3 and .4 as appropriate.

(e) Loss of a Sponsor

In the event that an alien loses his/her sponsor during the three-year limit on the sponsored alien provisions of this section and does not obtain another, the deemed income and resources of the previous sponsor shall continue to be attributed to the alien until such time as the alien obtains another sponsor or until the three-year period for applying the sponsored alien provisions expires, whichever occurs first.

However, should the alien's sponsor die, the deemed income and resources of sponsor shall no longer be attributed to the alien.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

.493 Awaiting Verification

- (a) While the CWD is awaiting receipt and/or verification from the alien of information necessary to carry out the provisions of Section 63-503.49, the sponsored alien shall be ineligible to participate until all necessary facts are obtained. In determining the eligibility and/or benefit level of the remaining household members, the income and resources of the ineligible alien (excluding the attributed income and resources of the alien's sponsor and sponsor's spouse) shall be handled in accordance with Section 63-503.442.
- (b) If the sponsored alien refuses to cooperate in providing and/or verifying needed information, other adult members of the alien's household shall be responsible for providing and/or verifying information required in accordance with Section 63-505.1. If the information or verification is subsequently received, the CWD shall act on the information as a reported change in household membership in accordance with the timeliness standards in Sections 63-504.3 and .4. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as needed sponsor information is provided and/or verified.

.5 Failure to Comply with Another Assistance Program's Requirements

- .51 The CWD shall not increase food stamp benefits when the household's benefits from another federal, state or local welfare or public assistance program have been reduced due to failure to comply with a requirement of that program. The provision does not apply when a food stamp household member who fails to comply is subject to a food stamp work sanction imposed pursuant to Section 63-407.541. The following conditions apply:
 - .511 The welfare or public assistance program must be: AMeans-tested®, as defined in Section 63-502.171; governed by welfare or public assistance laws or regulations; and distribute public funds.
 - .512 Food stamp benefits shall be adjusted when eligible members are added to the food stamp household regardless of whether the household is prohibited from receiving benefits for the additional member under another federal, state or local welfare or public assistance means-tested program.
 - .513 Changes in household circumstances which are not related to failure to comply with another federal, state or local welfare or public assistance means-tested program shall not be affected by this provision.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

.514 The CWD shall calculate food stamp benefits using the benefit amount that would have been issued if no penalty had been imposed.

.52 The CWD shall identify that portion of the reduction in the other welfare or public assistance program's benefits due to failure to comply with a requirement of that program.

.521 The CWD shall calculate food stamp benefits using the benefit amount that would have been issued if no reduction due to failure to comply had been imposed.

.6 Homeless Food Stamp Households

Homeless food stamp households shall be permitted to use their food stamp benefits to purchase prepared meals from meal providers for the homeless which have been authorized by the Food and Nutrition Service (FNS) to accept food stamp coupons.

.7 Certified Monthly Reporting Households Applying for Aid in a New County

.71 The applications of households which were certified for Food Stamp Program participation in one county or state and which move to another county or this state and apply for benefits without at least a one-month break in certification, shall be treated as initial applications, except they shall continue to be retrospectively budgeted, as specified in Section 63-504.711. Households which have requested and are entitled to expedited service shall have their benefits available in accordance with Section 63-301.531(b).

.711 Households which were subject to retrospective budgeting in the previous county or state shall continue to be retrospectively budgeted, unless the household is now excluded, as specified in Section 63-505.21.

.712 The CWD shall assist all households, as specified in Sections 63-103.21(i)(8) and 63-300.55, in obtaining any missing verification which the household had provided to the county or state in which the household was previously certified.

63-503	DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS	63-503
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(Continued)

NOTE: Authority cited: Sections 10554 and 18904, Welfare and Institutions Code. Reference: Sections 10554 and 18904, Welfare and Institutions Code; 7 CFR 271.2; 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), (c)(3)(i), (ii) and (e)(1)(i) as published in the Federal Register, Volume 59, No. 110 on June 9, 1994; 7 CFR 273.2(j)(4); 7 CFR 273.9(b)(1)(ii) and (b)(2)(ii); 7 CFR 273.10(a)(1)(iii)(B); 7 CFR 273.10(c)(2)(iii), (c)(3)(ii), proposed amended 7 CFR 273.10(d) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; (d)(1)(i), (d)(2), (d)(3), (d)(4), and proposed (d)(8) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994, and proposed amended 7 CFR 273.10(e)(1)(i)(E-H) as published in the Federal Register, Vol. 59, No. 235 on December 8, 1994; 7 CFR 273.11(a)(2)(i), (b)(1), (b)(1)(i) and (ii), (c), (c)(1), (c)(2)(iii), (c)(3)(ii), (d)(1), and (e)(1); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (S); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) ____ F. Supp. ____; Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, U.S.D.A., Food and Consumer Services; Administrative Notice No. 89-12, No. 92-23, dated February 20, 1992, No. 94-39, and No. 94-65; P.L. 100-435, Section 351, and P.L. 101-624, Section 1717; [7 U.S.C. 2012, 2014(e), and 2017(c)(2)(B)]; 7 U.S.C. 2015(d)(1); P.L. 104-193, Sections 115, 815, 821, 827 and 829 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and Federal Food Stamp Policy Memos 82-9 dated December 8, 1981, and 88-4 dated November 13, 1987.

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63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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.1 Certification Periods

The CWD shall establish a definite period of time within which a household shall be certified to receive benefits. At the expiration of such certification period, entitlement to food stamp benefits shall end. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility. See Section 63-504.6 for recertification procedures.

.11 General Requirements for Establishing Certification Periods

- .111 Certification periods shall conform to calendar or fiscal months, except that for initial applications where benefits are prorated, the beginning date of the certification period shall be the date the application was filed in the appropriate food stamp office. At initial application, the first month in the certification period shall generally be the month of application, even if the household's eligibility is not determined until a subsequent month. For timely reapplications and recertifications, the certification period shall begin with the month following the last month of the previous certification period.

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63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.12 Additional Requirements for Establishing Certification Periods for Monthly Reporting Households

.121 Public Assistance and Categorically Eligible Households

Households in which all members are contained in a single Public Assistance (PA) grant, and the food stamp applications are processed jointly as specified in Section 63-301.6, may have their food stamp recertifications, to the extent permitted by regulation, at the same time they are redetermined for PA eligibility.

The certification period shall be established for no longer than 12 months. The CWD shall be permitted to recertify food stamps when the PA redetermination occurs. However, if the PA redetermination and the food stamp recertification cannot be jointly processed, the CWD shall send the household a notice of expiration of its food stamp certification period as specified in Section 63-504.624 and proceed to recertify the household for food stamps in order not to exceed the 12 months. The certification period may be shortened as specified in Section 63-504.14 to keep the time frames on the same schedule.

- (a) If a household initially applies jointly for food stamps and PA benefits, a nonassistance classification shall be assigned if the food stamp application is approved prior to the PA determination being made and the certification period shall be assigned in accordance with Section 63-504.122. When the PA application is approved, the household shall be reclassified as public assistance, but the certification period shall remain as originally assigned. (See Section 63-301.7 for additional procedures for PA categorically eligible households.)

.122 Nonassistance Households

All nonassistance households (NA) subject to monthly reporting shall be certified for a period not to exceed 12 months.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.123 Changes in Classification

If the household classification changes and Food Stamp Program eligibility is retained, the certification period shall be changed as follows:

- (a) When all members of a currently certified NA household apply for PA benefits, the CWD shall inform the household that it may be recertified for food stamps at the same time its PA eligibility is determined. In order to do so, the household shall submit an application for recertification and have a joint interview in conjunction with the processing of the PA application. If the household agrees to be recertified in accordance with the PA application, the CWD shall provide the household with the application forms (DFA 285-A1 and DFA 285-A2) necessary to recertify the household. If the household is determined to be eligible for PA benefits, a new food stamp certification period shall be assigned in accordance with Section 63-504.121.
 - (1) If the household applying for PA benefits elects not to be recertified for food stamps in conjunction with processing of the PA application, the household's certification period shall remain as originally assigned, unless the CWD determines it is necessary to shorten the certification period in accordance with Section 63-504.14.
- (b) Households which have their PA eligibility terminated shall retain their originally assigned food stamp certification period, unless the CWD determines it is necessary to shorten the certification period in accordance with Section 63-504.14.

.13 Additional Requirements for Establishing Certification Periods for Nonmonthly Reporting Households

- .131 Nonmonthly reporting households shall be assigned the longest certification period possible based on the predictability of the individual household's circumstances. The certification period shall not exceed 12 months.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

- (a) Households shall be certified for one or two months, as appropriate, when the household cannot reasonably predict what its circumstances will be in the near future, or when there is a substantial likelihood of frequent and significant changes in income or household status.
- .132 Public assistance households shall be assigned certification periods in accordance with Section 63-504.121, except that the certification period shall take into consideration the predictability of the household's circumstances.
- .133 Households consisting of all adult members who are elderly or disabled persons may be certified for up to 24 months, provided household circumstances are expected to remain stable. The CWD shall have at least one contact with these households every 12 months. The contact may be in the form of a telephone interview, an in-office interview or some form of a written report.
- .134 Changes in household classification shall be handled in accordance with provisions in Section 63-504.123, except that new certification periods shall be assigned in accordance with Section 63-504.13.
- .14 Shortening the Length of the Certification Period
 - .141 The CWD may shorten the certification period of any household when the CWD determines the need to do so based on individual case circumstances which shall include, but not be limited to, those circumstances specified below.
 - (a) Households that experience a change in circumstances that brings continued eligibility into question.
 - (b) For PA households that experience a change which results in an early PA redetermination but the change does not affect food stamp eligibility, the CWD shall conduct a food stamp recertification at the same time if necessary to keep the recertification/redetermination time frames on the same schedule.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

- .142 The CWD shall provide the household with a notice of action as specified in Section 63-504.252, when their certification period is shortened. The notice shall inform the household that the certification period has been shortened and will expire at the end of the month following the month in which the notice was sent and of the specific reason for shortening the certification period.
- .143 The CWD may terminate the household's participation prior to the last month of the shortened certification period if the CWD receives information that renders the household ineligible and there is sufficient time to provide timely notice of the termination.

.2 Notices of Action

.21 General Requirements

- .211 All notices of action shall contain the information necessary to be considered adequate. Requirements for specific notices are contained in Sections 63-504.221, 63-504.253 and 63-504.271. To be considered adequate, a notice of action shall:
- (a) Explain in easily understandable language:
 - (1) The proposed action;
 - (2) The reason for the proposed action;
 - (3) The household's right to request a state hearing;
 - (4) The availability of continued benefits and the potential liability of the household for any overissuance received while awaiting a state hearing, if the hearing decision is adverse to the household.
 - (b) Contain the telephone number to call for additional information. For households living outside the local calling area, a toll-free number or a number where collect calls will be accepted shall be provided.
 - (c) Advise the household of the availability of free legal representation if there is an individual or organization available that provides these services.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

HANDBOOK BEGINS HERE

.212 The CWD may provide the name of a worker to contact.

HANDBOOK ENDS HERE

.213 A notice of action shall be considered timely if there are at least 10 days from the date the notice is mailed until the effective date of the change.

.22 Approval Actions

When an application is approved, the CWD shall send the household a notice of action as soon as the determination is made, but no later than 30 days after the date of the initial application, unless the household's application was held pending. When a pended application is approved, the notice shall be sent as soon as the determination is made, but no later than the date the household receives their first allotment for the certification period.

.221 The notice of action shall advise the household of the following:

- (a) The amount of the allotment;
- (b) The beginning and ending dates of the certification period; and
- (c) Any anticipated variations in the benefit level based on changes anticipated at the time of certification.

.222 When the initial allotment includes benefits for both the month of application and the second month's benefits, the notice shall inform the household that this initial allotment includes more than one month's benefits and shall indicate the monthly benefit level for the remainder of the certification period.

.223 When a household's application is approved on an expedited basis and verification is postponed, as provided in Section 63-301.54, the notice shall inform the household of the requirements for providing the postponed verification, as specified in Section 63-301.543.

.224 When the household is required to receive notice of the expiration of their certification period at the time of certification, the notice approving their application may be combined with this notice, or separate notices may be sent.

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63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

HANDBOOK BEGINS HERE

- .225 The recommended CDSS developed form to use for notification of approval actions is the DFA 377.1 or a County substitute containing all notice requirements.

HANDBOOK ENDS HERE

.23 Denial Actions

When an application is denied, the CWD shall provide the household with a notice of action explaining the basis for the denial. The notice shall be provided as soon as the determination is made, but no later than 30 days from the date the application was filed, unless the application was held pending. Once a pending application is denied, the notice shall be sent as soon as the determination is made.

- .231 If a potentially categorically eligible household is denied NA Food Stamps, the notice shall inform the household to notify the CWD if PA or GA benefits are approved.
- .232 If the CWD has elected to deny an application when a delay is caused by the household's failure to take action to complete the application process, as specified in Section 63-301.42, the notice informing the household of the denial action shall be provided no later than 30 days following the date the application was filed.
- .233 When the same application is used to determine the household's ineligibility for the month of application and its eligibility for the subsequent month, a combined or separate notice may be used for the denial and approval actions.

HANDBOOK BEGINS HERE

- .234 The recommended CDSS developed form to use for notification of denial actions is the DFA 377.1A or a County substitute containing all notice requirements.

HANDBOOK ENDS HERE

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.24 **Pending Status**

When an application is held pending because some action by the CWD is necessary to complete the application process or the CWD was elected to pend all cases regardless of the reason for the delay, the CWD shall provide the household with a notice of action informing the household of the action within the time frames specified in Section 63-301.42 or .431.

HANDBOOK BEGINS HERE

- .241 The recommended CDSS developed form to use for notification of the pending status of an application is the DFA 377.1A or a County substitute containing all notice requirements.

HANDBOOK ENDS HERE

.25 **Expiration or Shortening of The Certification Period**

.251 **Expiration of the Certification Period**

The CWD shall provide each household with a notice of the impending expiration of their certification period. Notice shall be given during the next to last month of the certification period, except as specified under the following circumstances.

- (a) Notice is not required for a PA household whose application for Food Stamps and PA benefits was jointly processed, if the household is recertified for Food Stamps at the same time as the PA redetermination, provided the redetermination occurs in the month prior to the last month of the certification period.
- (b) Notice is required at certification if a household is certified initially for a one or two month period, and the certification is completed in the month following the month of application.

.252 **Shortening the Certification Period**

The CWD shall provide notice of action to each household whose certification period is shortened, as specified in Section 63-504.14. The notice may be sent at any time during the month in which the change in household circumstances requiring recertification occurred or was reported. However, it must be received by the household no later than the first day of the last month of the shortened certification period.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.253 **Notice Requirements**

The notice of action sent to inform the household of the expiration or shortening of their certification period shall advise the household of the following:

- (a) The date the current or shortened certification period ends;
- (b) The date by which the household must file an application for recertification to receive uninterrupted benefits;
- (c) That the household must appear for any interview scheduled on or after the date the application is timely filed in order to receive uninterrupted benefits;
- (d) That the household is responsible for rescheduling any missed interview;
- (e) That the household must complete the interview and provide all required verification in order to receive uninterrupted benefits;
- (f) The number of days the household has for submitting missing verification if the household is informed at the interview of any further verification needed to receive uninterrupted benefits;
- (g) The household's right to request an application and submit an application to the CWD as long as it is signed and contains a legible name and address;
- (h) The address of the office where the application must be filed;
- (i) The consequences of failure to comply with the notice of expiration;
- (j) The household's right to file the application by mail or through an authorized representative; and
- (k) The household's right to request a state hearing.

HANDBOOK BEGINS HERE

- .254** The recommended CDSS developed form to use for notification of the expiration or shortening of a certification period is the DFA 377.2 or a County substitute containing all notice requirements.

HANDBOOK ENDS HERE

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63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.26 **Changes in Eligibility Status or Benefit Levels**

The CWD shall provide a notice of action to inform a household of any change in eligibility status or benefit level during their certification period.

HANDBOOK BEGINS HERE

The Department of Social Services and the CWDs are permanently enjoined by court order in Saldivar v. McMahon from implementing MPP 22-022(j). Therefore, the CWDs are to continue to provide timely and adequate notice in all instances where the proposed action would result in a discontinuance or reduction of benefits due to a late or incomplete CA 7.

HANDBOOK ENDS HERE

.261 **Adverse Actions**

Timely notice shall be provided to a household prior to any action to reduce or terminate its benefits within the certification period, except as specified in Sections 63-504.264, .266, and .267.

.262 **Increased Benefits**

Adequate notice shall be provided to a household whenever benefits are increased as a result of a reported change no later than the date the increased benefits are received.

.263 **Proposed Change in Benefits**

Notice of a proposed change in benefits shall be sent to a monthly reporting household that fails to submit verification/information of a deduction with a CA 7 that is otherwise complete as specified in Section 63-504.32, or submits a CA 7 that contains questionable information as defined in Section 63-300.53.

- (a) The notice of action shall be sent no later than 10 days before the end of the report month. The household shall be given until the extended filing date to provide the missing verification/information.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
---------------	---	---------------

(Continued)

- (b) If the household submits a CA 7 after the CWD has mailed the notice specified in Section 63-504.27, the CWD need not provide a notice informing the household of a proposed change in benefits.
- (c) If the household submits incomplete verification/information after the CWD has mailed a notice informing the household of a proposed change in benefits, the CWD need not provide a second notice.

.264 Notification to Monthly Reporting Households

The CWD shall provide a notice of action to a monthly reporting household to inform them of any increase or decrease in benefits or any suspension of benefits as specified in Section 63-504.37, resulting from information reported by the household on the CA 7.

- (a) Notice shall be provided to a household which submits a complete CA 7, including all required verification, to the CWD by the 11th of the report month:
 - (1) At least 10 days before the effective date of a decrease in benefits; or
 - (2) No later than the date of receipt for an increase in benefits.
- (b) Notice shall be provided to a household which submits a complete CA 7 after the 11th of the report month and by the extended filing date no later than the household's normal or delayed issuance date.

HANDBOOK BEGINS HERE

- .265 The recommended CDSS developed form to use for notification of changes in eligibility status or benefit levels, or the suspension of benefits, is the DFA 377.4 or a County substitute containing all notice requirements.

HANDBOOK ENDS HERE

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.266 Exemptions from Providing a Notice of Action

A notice of action is not required when:

- (a) The CWD determines, based on reliable information, that all members of a household have died.
- (b) The CWD determines, based on reliable information, that the household has moved out of the county.
- (c) The household has been receiving an increased allotment because of restoration of lost benefits, the restoration is complete, and the household was previously notified in writing of when the increased allotment would terminate.
- (d) The monthly reporting household's allotment varies from month to month during the beginning months to take into account changes which were estimated at the time of certification and the household was so notified at the time of certification.
- (e) The nonmonthly reporting household's allotment varies from month to month within the certification period to take into account changes which were anticipated at the time of certification, and the household was so notified at the time of certification.
- (f) The household jointly applied for PA and food stamp benefits and has been receiving food stamp benefits pending the approval of the PA grant and was notified at the time of certification that food stamp benefits may be reduced or terminated.
- (g) Converting a household from voluntary repayment to allotment benefit reduction as a result of failure to make agreed to repayments.
- (h) A household's participation in the Food Stamp Program is terminated because the household failed to provide verification which was postponed for expedited service.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
---------------	---	---------------

(Continued)

- (i) A household's participation in the Food Stamp Program is terminated because it failed to respond to a notice of action informing them of the expiration of their certification period.
- (j) A household's participation in the Food Stamp Program is terminated as specified in Section 63-504.33, because the household failed to respond to the notice of action informing them of the nonreceipt of the CA 7 by filing a complete CA 7 by the extended filing date.
- (k) The CWD elects to use mass change notices to inform households of the types of mass changes specified in Sections 63-504.391 or .392.

.267 Exemptions from Providing a Timely Notice of Action

The CWD shall provide an adequate only notice of action as specified in Section 63-504.211, at the time of the allotment change when:

- (a) The CWD elects to use notices of action to inform households of the mass changes specified in Sections 63-504.391 and .392. A CWD electing to send mass change notices instead of notices of action is referred to Section 63-102m. (2).
- (b) A household member has applied, been determined eligible for, and is in receipt of SSI/SSP benefits.
- (c) The CWD is terminating the eligibility of a resident of a drug or alcoholic treatment center or a group living arrangement if the facility loses either its certification from the appropriate agency of the state, or has its status as an authorized representative suspended due to FNS disqualifying it as a retailer.
- (d) A household member is disqualified for intentional Program violation, in accordance with CDSS' Manual of Policies and Procedures, Division 20, Chapter 20-300, or the allotments of the remaining household members are reduced or terminated to reflect the disqualification of that household member. The notice requirements for individuals or households affected by intentional Program violation disqualifications shall be in accordance with CDSS' Manual of Policies and Procedures, Division 20, Chapter 20-300.
- (e) A household's benefits are reduced or terminated as a result of:
 - (1) The household responding to a notice of action requesting verification which was postponed for expedited service.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
---------------	---	---------------

(Continued)

- (2) The household responding to a notice of action requesting the household to submit a complete CA 7 by the extended filing date.

HANDBOOK BEGINS HERE

- (A) Under the Saldivar v. McMahon court order CWDs are to continue to provide timely and adequate notice.

HANDBOOK ENDS HERE

- (3) The household responding to a notice of action requesting the household to submit missing verification or additional verification/clarification of questionable information, as specified in Section 63-504.263.

HANDBOOK BEGINS HERE

- (A) Under the Saldivar v. McMahon court order CWDs are to continue to provide timely and adequate notice.

HANDBOOK ENDS HERE

- (4) The household failing to respond to a notice of action requesting missing verification, as specified in Section 63-504.34.
- (f) The household voluntarily requests, in writing or in the presence of an EW, that its participation be terminated. If the household does not provide a written request, the CWD shall send the household a letter confirming the voluntary withdrawal. Written confirmation does not entail the same rights as a notice of action except that the household may request a state hearing.
- (g) The CWD determines, based on reliable information, that the household will not be residing in the county and, therefore, will be unable to obtain its next allotment.

.27 CA 7 Not Received/CA 7 Incomplete

HANDBOOK BEGINS HERE

See handbook section in 63-504.26 for Saldivar v. McMahon court order requirements for timely and adequate notice.

HANDBOOK ENDS HERE

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

The CWD shall provide a notice of action to a monthly reporting household which fails to file a CA 7 by the 11th of the report month or files an incomplete CA 7.

- .271 The notice of action shall inform the household:
- (a) That the CA 7 either is overdue or incomplete;
 - (b) What the household must do to complete the CA 7;
 - (c) If any verification is missing and the effect on the household's benefits level;
 - (d) That the SSN of a new member must be reported;
 - (e) What the extended filing date is; and
 - (f) That the CWD will assist the household in completing the report.
- .272 The CWD shall send the notice of action no later than 10 days before the end of the report month and give the household until the extended filing date, as specified in Section 63-504.33, to file a complete CA 7. If a complete CA 7 is received after the 11th of the report month, but prior to the mailing of the notice, the notice shall not be sent.
- .273 If a household responds to the notice of action by submitting an incomplete CA 7, the CWD need not provide a second notice to the household.

HANDBOOK BEGINS HERE

- .274 The recommended CDSS developed forms to use in notifying households of a missing or incomplete CA 7 are the NA 960X or NA 960Y, respectively or a County substitute containing all notice requirements.

HANDBOOK ENDS HERE

.3 Monthly Reporting

The CWD, at the time of the application interview, shall determine which households are subject to monthly reporting requirements, as specified in Section 63-505.2. The CWD shall provide all monthly reporting households with the CA 7 for reporting the information and changes required by Section 63-505.3. The CWD shall provide assistance in completing and filing the CA 7 to households whose adult members are all either mentally or physically disabled, non-English speaking or lacking in reading and writing skills such that they cannot complete and file the CA 7. The CWD shall require monthly reporting households to submit a complete CA 7 by the 5th of each report month. Recipient due dates and CWD time limits shall be modified by Section 63-102c.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.31 CWD Action on the CA 7

.311 Upon receiving the CA 7 the CWD shall:

- (a) Review the report to ensure completeness and consider the report incomplete if it does not meet the criteria for a complete CA 7, as defined in Section 63-504.32.
- (b) Determine those items which will require additional verification and/or clarification, in accordance with Section 63-504.34.
- (c) Notify the household, as specified in Section 63-504.33, of the need to correct an incomplete or inaccurate CA 7, and/or submit additional verification/clarification, as required by Section 63-504.34.
- (d) Determine the household's eligibility prospectively by considering all factors, including income, in accordance with Section 63-503.321(a).
- (e) Determine the household's level of benefits based on actual information reported on the CA 7 and household composition determined as of the issuance month, in accordance with Section 63-503.3. In calculating the household's benefit level, the following income and deductions shall be considered:
 - (1) Nonexcluded earned and unearned income received in the corresponding budget month, including the earned income of an elementary or secondary school student only if the student is 18 years of age or older at the beginning of the budget month **except as specified in Section 63-407(a)(4)(A)**. The CWD shall use the actual amount received by the household to compute benefits, except as provided in Section 63-503.22.
 - (2) Allowable deductions as billed or averaged from the corresponding budget month, including those shelter costs billed less often than monthly which the household has chosen to average.
- (f) Issue benefits, in accordance with the time frames set forth in Section 63-504.38.

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63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

.32 Complete CA 7

The CWD shall consider the CA 7 complete if all of the following requirements are met.

- .321 The CA 7 is dated no earlier than the first day of the report month.
- (a) This requirement shall be met when the date entered on the CA 7, together with other dated material provided with the CA 7, and the date on which the CWD mailed or gave the CA 7 to the household clearly establishes the month and year to which the CA 7 applies.
 - (b) This requirement shall not apply when:
 - (1) The first day of the report month falls on a nonpostal delivery day;
 - (2) The CA 7 is mailed by the CWD for delivery on the last postal delivery day of the budget month; and
 - (3) The recipient signs and dates the CA 7 on or before the last day of the budget month.
- .322 The CA 7 provides the CWD with address (location) information sufficient to locate the household, however, households which do not have a fixed address shall not have their CA 7s rendered incomplete solely for this reason.
- .323 The CA 7 is signed by the head of the household, authorized representative, or responsible household member. The PA caretaker relative, natural or adoptive parent, if not one of the above, shall not satisfy this requirement.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

- .324 All questions and items pertaining to food stamp eligibility are fully answered and provide the CWD with the information to correctly determine eligibility and benefit level, except as specified in Sections 63-504.324(c) and (d) and Section 63-505.311.
- (a) To be considered fully answered, information on the CA 7 together with attached documentation must provide sufficient information to allow for the determination of eligibility and/or benefit level.
 - (b) Questions on the CA 7 shall not be considered fully answered if situations such as, but not limited to the following, exist:
 - (1) The CA 7 does not include information on changes that the household has previously reported to have occurred; for example, an actual change that the household reported to the CWD by telephone was not included on the CA 7 unless the appropriate case action has already been taken.
 - (2) The CA 7 does not include information that was reported on the previous CA 7 and the household does not indicate a change has occurred, e.g., the household previously reported earnings from two sources and this month reports earnings from one source but does not explain the change.
 - (c) If elements pertaining to one program's requirements are missing from the CA 7, the CA 7 shall be considered incomplete for that program only.

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

- (d) The CWD shall not consider the CA 7 incomplete if information regarding child/spousal support disregard payments has not been included.
- .325 Verification is provided for gross nonexcluded earned income each month and nonexcluded unearned income when first reported and when there is a change in the amount of income received, except as specified in Sections 63-505.311, and 63-504.325(a).
 - (a) For child/spousal support disregard payments, the agency record shall be the verification.
- .326 Verification is provided for the source of all excluded income when first reported and when there is a change in the source of the income.
- .33 CWD Action on an Incomplete CA 7

HANDBOOK BEGINS HERE

- (a) See handbook section in 63-504.26 for Saldivar v. McMahan court order requirements for timely and adequate notice.

HANDBOOK ENDS HERE

- (b) After notifying the household as specified in Section 63-504.27, the CWD shall allow the household until the extended filing date to file a complete CA 7.
- (c) The household's participation shall be terminated effective the end of the report month, as specified in Section 63-504.36, if the household fails to file a complete CA 7 by the extended filing date.
- .34 CWD Action on a Complete CA 7 Requiring Additional Verification/Information

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued)	63-504
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HANDBOOK BEGINS HERE

See handbook section in 63-504.26 for Saldivar v. McMahon court order requirements for timely and adequate notice.

HANDBOOK ENDS HERE

If the household submits a CA 7 by the date the CWD mails the notification of the missing CA 7, but fails to provide the required verification/information with the CA 7, the CWD shall notify the household as specified in Section 63-504.26 of the need to submit the missing verification/information by the extended filing date. The CWD shall not delay benefits if the missing verification/information is for a deduction. If the household fails to provide the missing verification/information, other than for income, by the extended filing date, the CWD shall not consider the CA 7 incomplete. Any deductions for which the verification/information is missing shall be disallowed. Items specified in Sections 63-504.341(g) and (h) shall be handled as specified in Section 63-504.342.

.341 The household shall provide with the CA 7 verification of the following items:

- (a) Dependent care costs which have changed since the last report or when there is questionable information which is inaccurate, incomplete, outdated, or inconsistent;
- (b) If the household voluntarily reports a change in its medical expenses and fails to verify the change as specified in Section 63-504.421, and that change would increase the household's allotment, the CWD shall not make the change. The CWD shall act on reported changes without requiring verification if the changes would decrease the households allotment or make the household ineligible, although verification which is required as specified in Section 63-504.421 shall be obtained prior to the household's recertification.
- (c) Utility costs which entitle the household to the standard utility allowance (SUA). The household shall provide verification of these costs when first allowed entitlement to the SUA and when the household moves;

63-504	HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY	63-504
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(Continued)

- (d) Actual utility costs, if the household is claiming the actual expenses, when first allowed as a deduction, and when there is a move;
 - (e) All expenses incurred in producing self-employment income;
 - (f) Residency as defined in Section 63-401 when there is a change;
 - (g) Social Security numbers or citizenship or alien status for household members when there is a change.
 - (h) A change in the legal obligation to pay child support to a person not in the food stamp household, as specified in Section 63-502.37, and/or an increase in the amount of child support payments.
- .342 The CWD may elect to require verification of housing costs when first allowed as a deduction and when there is a move, as specified in Section 63-300.52.
- .343 If the household submits information and/or verification with the CA 7 which the CWD determines to be questionable, as specified in Section 63-300.53, the CWD shall notify the household as specified in Section 63-504.26. The household shall be allowed until the extended filing date to submit the necessary verification/clarification. If the household fails to submit the necessary verification/clarification by the extended filing date, the CWD shall act on the reported information if it results in a decrease in benefits, or not act on the reported information if it results in an increase.
- .344 The CWD shall contact the household as needed to obtain further information on specific items. These items include, but are not limited to:
- (a) The effect of a reported change in resources on a household's total resources; and
 - (b) The effect of a reported change in household composition or loss of job or source of earned income on the applicability of the work registration or voluntary quit requirements.

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